

IN THE UNITED STATES DISTRICT COURT FOR
THE WESTERN DISTRICT OF PENNSYLVANIA

FILED

ANTHONY DeFRANCO,
Plaintiff,

V.

WILLIAM WOLFE, et al.,
Defendants.:
: No. C.A. 04-230-E
: Magistrate Judge Baxter
: District Judge Cohill
:
:
:

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CLERK
U.S. DISTRICT COURTMOTION TO SUPPLEMENT RECORD ON DISCOVERY

AND NOW, comes plaintiff, respectfully requesting this Honorable Court to allow supplementation of the record and consider the discovery material attached:

1. This case is currently in the discovery stage. The defendants' have submitted a scandalous motion (Doc.#168) stating that plaintiff has harassed and made potentially threatening comments about staff regarding the comments made in the z-code vote sheets (see attachments).
2. Plaintiff is attaching all of the unredacted z-vote sheets for this Court's review. As the Court will see, these vote sheets, and particularly the comments by staff, "help" prove his retaliation claim. See vote sheet 2 for comments stating plaintiff had manipulated staff upon his arrival to gain the z-code, written by staff/counselor that plaintiff had only spoken with approximately twice. These *help* plaintiff's case and *support* his allegations. He states under oath that he was never mad, upset or made any threatening comments to staff about staff.
3. This Court may strike the defendants' motion (Doc.168) if it finds that it is impertinent or scandalous under Rule 12 and 8. Plaintiff respectfully requests this Court to strike this document as being scandalous and impertinent. The z-code vote sheets are now before the Court; after reviewing them plaintiff submits the Court will find these documents helpful to this case.

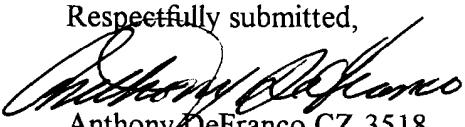
4. Plaintiff further submits that it is becoming quite clear that the defendants' are still conspiring to harass and retaliate for the filing of this lawsuit. Continuing to make false allegations in order to further chill his 1st Amendment rights by denying discovery requests. They are further manufacturing reasons to harass plaintiff further as they have in the past.

5. Defendants bald assertions claiming plaintiff has harassed, pressured and threatened staff regarding these z-code votes, without even supplying affidavits, naming who, precise date(s) and time(s) that plaintiff allegedly did these acts are meritless and scandalous.

WHEREFORE, plaintiff prays this Honorable Court supplement the record with the attached exhibits and strike the defendants' motion (Doc.#168), and any other relief the Court may see fit.

Date: May 30, 2006

Respectfully submitted,



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Certificate of Service

Service was made by US
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